

SHAW KELLER LLP

Andrew E. Russell
I.M. Pei Building
1105 N. Market St., 12th Floor
Wilmington, DE 19801
(302) 298-0704
arussell@shawkeller.com

September 5, 2023

BY CM/ECF & HAND DELIVERY

The Honorable Gregory B. Williams
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: *In re: Ivantis, Inc. et al.*, C.A. No. 23-373-GBW

Dear Judge Williams:

Defendants Ivantis, Inc, Alcon Research LLC, Alcon Vision LLC, and Alcon Inc (“Defendants”) in the above-referenced matter write to request the scheduling of a discovery teleconference.

Defendants filed this action in the United States District Court for the Northern District of Georgia, seeking to compel compliance with a subpoena. That court transferred this action here, because it is related to C.A. No. 21-1317-GBW-SRF, which is currently pending before the Court. The parties previously followed the Northern District of Georgia’ procedures in resolving this dispute, including filing and briefing a motion to compel. *See* D.I. Nos. 1, 30, 35.

Counsel for Dr. Reay Brown refused to meet-and-confer again on this issue following the transfer to this Court, on the basis that “no action [is] warranted or required at this time.” Ex. A (e-mail chain between counsel). Defendants seek to initiate a discovery dispute on this issue to comply with the Court’s procedures as set forth in its form scheduling order. Alternatively, if the Court prefers, Defendants do not oppose the Court addressing the motion on the existing papers.

The dispute requiring judicial attention is listed below:

- Defendants’ request that the Court compel Dr. Reay Brown to comply with a subpoena.

Respectfully submitted,

/s/ Andrew E. Russell

Andrew E. Russell (No. 5382)

cc: Clerk of the Court (by CM/ECF & Hand Delivery)
All Counsel of Record (by CM/ECF & Email)